

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BENNY JOE LOGHRY,

Plaintiff,

8:23CV79

vs.

NEBRASKA MEDICINE, THE NEBRASKA
MEDICAL CENTER, UNMC PHYSICIANS,
and SARA M. PUTNAM, M.D.,

Defendants.

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that the parties' joint motion to modify the final progression order, [Filing No. 48](#), is granted. The unexpired deadlines in the final progression order, [Filing No. 45](#), are amended as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for March 26, 2024, at 10:00 a.m. by telephone is continued and will be held with the undersigned magistrate judge on **December 17, 2024** at **9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is December 31, 2024. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by January 15, 2025.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): July 31, 2024.

For the defendant(s): October 31, 2024.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is December 2, 2024.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is March 3, 2025.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is March 3, 2025.
- 7) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. **No further extensions will be considered absent a showing of good cause.**
- 10) All other deadlines are unchanged.

¹ While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.

Dated this 22nd day of February, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge